

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

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| In the Matter of the Revocation |) | |
| |) | |
| or Suspension of the Educators |) | ORDER OF SUSPENSION |
| |) | (BREACH OF CONTRACT) |
| Certificate of Gina P. Johnson |) | |
| |) | |
| Certificate # 201829 |) | |

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 13, 2004. On March 23, 2004, the State Department of Education (Department) had Ms. Gina P. Johnson served with a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educators certificate (certificate) by the Spartanburg County Sheriff's Officer. Ms. Johnson received the notice, as evidenced by the signed Affidavit of Service. Ms. Johnson did not request a hearing during the period allowed by law, and is now in default. After considering the evidence presented, which was undisputed by Ms. Johnson, the State Board voted to suspend Ms. Johnson's certificate for one year.

FINDINGS OF FACT

Ms. Johnson holds a valid certificate, and has three years of teaching experience. Ms. Johnson was under contract with Greenville County School District (District) for the 2003-2004 school year, as a second grade teacher at Welcome Elementary School. On December 19, 2003, the principal of Welcome Elementary received a letter of resignation from Ms. Johnson, effective December 19, 2003. In her letter Ms. Johnson indicated that she was resigning due to family obligations. In a conversation with the principal Ms. Johnson said that she wanted to stay home with her son. The District Superintendent wrote to Ms. Johnson on January 13, 2004 and indicated that he would recommend a one-year suspension of her certificate to the State Board.

On January 13, 2004, the Board of Trustees of the School District of Greenville County voted to file a complaint with the State Board seeking the suspension of Ms. Johnson's certificate for breach of contract.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for breach of contract. S.C. Code Ann. § 59-25-530 (1990). Unprofessional conduct includes breach of contract. S.C. Code Ann. § 59-25-160 (1990); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is conclusive evidence supporting its decision to suspend Ms. Johnson's certificate # 211807 for a period of one year from December 20, 2003 through December 19, 2004, on the ground of unprofessional conduct due to breach of contract. At the end of the suspension period if she wants her certificate reinstated, Ms. Johnson may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina

April 13, 2004